

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-06-28,817

In re: 1435 Girard Street, N.W.

Ward One (1)

LYDIA PENA
Housing Provider/Appellant

v.

TANYA WOYNAROWSKY
Tenant/Appellee

ORDER REQUIRING COMPLIANCE WITH COMMISSION RULES

February 8, 2008

YOUNG, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (2004), govern the proceedings.

I. THE PROCEDURES

On October 25, 2006, Tanya Woynarowsky filed Tenant Petition (TP) 28,817 with the Rental Accommodations and Conversion Division (RACD). She alleged that the housing providers, Jose and Lydia Pena failed to file the proper rent increase forms with RACD; increased her rent while her rental unit was not in compliance with the D.C.

Housing Regulations; failed to register her rental unit with RACD; substantially reduced the services and facilities provided in connection with her unit; and finally, that the housing providers served on her a notice to vacate which violated § 501 of the Act.

On January 22, 2008, the Office of Administrative Hearings issued a decision and order in Woynarowsky v. Pena, RH-TP-06- 28,817 (OAH Jan. 22, 2008). On January 29, 2008, housing provider, Lydia Pena filed a Notice of Appeal in the Commission. The notice of appeal did not contain a certificate of service to the tenant, Tanya Woynarowsky

II. THE COMMISSION'S ORDER

The Commission's rule, 14 DCMR § 3801.8 (2004), requires '[a]ll pleadings and other documents shall be served on the opposing party or parties prior to or at the same time as filed with the Commission and shall contain proof of service as required by §3803.'" See Kamerow v. Baccous, TP 24,470 (Jan. 28, 2000); cited in Assalaam v. Lipinski, TP 24,726 (Aug. 31, 2000).

In this appeal, it appears that the housing provider, Lydia Pena failed to serve on the tenant, Tanya Woynarowsky a copy of the Notice of Appeal dated January 29, 2008, that was filed in the Commission. There is no reference in the notice of appeal of notice to the tenant. Accordingly, the housing providers is required to comply with the rules of the Commission, by serving a copy of the Notice of Appeal dated January 29, 2008 on the tenant within ten (10) days from the date of this order.

SO ORDERED.


RONALD A. YOUNG, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER REQUIRING COMPLIANCE WITH COMMISSION RULES in RH-TP-28,817 was mailed by priority mail, with confirmation of delivery, postage prepaid this 8th day of **February**, 2008, to:

Jose and Lydia Pena
1435 Girard Street, N.W.
Washington, D.C. 20009

Tanya Woynarowsky
Post Office Box 65225
Washington, D.C. 20035

A handwritten signature in cursive script, appearing to read "LaTonya Miles", is written over a horizontal line.

LaTonya Miles
Contact Representative
(202) 442-8949